

October 2, 1998

MEMORANDUM FOR DISTRIBUTION

SUBJECT: GENERAL PERMIT NO. 98-01
AUTHORIZING CERTAIN CLASS III DAMS

Attached for your information is a copy of Department of Natural Resources, Office of Water Resources General Permit No. 98-01, which has been issued to authorize the construction of or modification to certain Class III (low hazard classification) dams in Illinois. This permit has been issued pursuant to the Rivers, Lakes and Streams Act, 615 ILCS 5 (1996 State Bar Edition).

The referenced Act requires the Department to regulate, among other things, the construction of new dams and the reconstruction, repair, operation, and maintenance of existing dams. The issuance of General Permit No. 98-01 represents, in part, the Department's ongoing effort to accomplish its legislatively mandated responsibilities while reducing regulatory costs and burden on the public. The repair and maintenance of an existing dam does not require a permit from the Department. For dams which meet the size criteria noted in Item 1 under "Applicability" for this general permit, the replacement-in-kind of an appurtenance of the dam will be considered repair and maintenance and therefore will not require a permit from the Department.

For additional information regarding General Permit No. 98-01 or its applicability, contact the Downstate Regulatory Programs Section in Springfield (217/782-3863) or the Northeastern Illinois Regulatory Programs Section in Schaumburg (847/705-4341).

Attachment

ILLINOIS DEPARTMENT OF NATURAL RESOURCES
OFFICE OF WATER RESOURCES
524 SOUTH SECOND STREET
SPRINGFIELD, ILLINOIS 62701-1787

GENERAL PERMIT NO. 98-01

AUTHORIZING CERTAIN CLASS III DAMS

PURPOSE

The purpose of this General Permit is to authorize the construction or modification of certain Class III dams which, by complying with the terms and conditions of this permit, are determined to satisfy the Department of Natural Resources, Office of Water Resources (IDNR/OWR) "Rules for Construction and Maintenance of Dams," 17 Illinois Administrative Code 3702. A formal permit application must be submitted for review and a determination must be made by the Office of Water Resources that this general permit is applicable for the project. No work on the project shall be started until written confirmation of compliance with this permit has been provided by the Office of Water Resources.

APPLICABILITY

This General Permit is applicable to only Class III (low hazard classification) dams under the Department's jurisdiction which are in a location that they are expected to remain as Class III dams permanently. If the dam is more than 500 feet in length, the portions of the dam which are 4 feet or less in height will not be considered as a part of the embankment or be required to meet the General Conditions of the General Permit. Applications will also be reviewed for compliance with the rules regarding the "Construction in Floodways of Rivers, Lakes and Streams," "Regulation of Public Waters," and "Floodway Construction in Northeastern Illinois," 17 Illinois Administrative Code 3700, 3704, and 3708 respectively.

In order to be considered for authorization under this General Permit, an application submittal for a proposed project must demonstrate compliance with the following criteria:

1. The height of the dam, measured from the invert of the stream at the downstream dam slope toe to the top of the embankment, will not exceed 15 feet;
2. The dam will have freeboard of:
 - a) at least 1.5 ft. above the 100-year frequency flood pool as determined by routing the flows through the spillway system, or

- b) at least 1.5 feet plus the quantity of 0.5 feet multiplied by the drainage area to the dam divided by the reservoir surface area, or
 - c) 1.5 feet above the pool elevation generated by the stage on the spillway for the 100-year frequency flood peak discharge from the drainage area;
- 3. The dam will have an embankment top width of at least 10 feet; and
 - 4. The dam will have side slopes no steeper than 2 horizontal to 1 vertical.

DATA REQUIRED TO BE INCLUDED WITH A SUBMITTAL

An application for a new dam or a modification to an existing dam must include the following items:

- 1. A completed application for permit form;
- 2. For existing dams, an inspection report reflecting the current condition of the dam;
- 3. Maps showing the location of the dam and surrounding area, the location of State, county and township roads, access to the site, the downstream area for a distance of at least 0.5 mile, the outline of the reservoir at the highest normal operating pool elevation, the watershed limits, and the general topography of the dam site and reservoir area (contoured aerial photographs or recent U.S. Geological Survey topographic maps may be used for this purpose);
- 4. Construction plans and documents that are sealed, signed, and dated by an engineer (or other qualified personnel) which include cross sections, plans and profiles of the dam, proposed normal pool levels, types of spillways, and which address all deficiencies noted in the inspection of the dam;
- 5. Documentation that the reservoir storage and spillway system, outlet works, or readily available pumping system for the dam are capable of holding and/or passing the 100-year frequency flood with the required freeboard;

6. Documentation that the spillway system, outlet works, or readily available pumping system for the dam are able to dewater 50% of the normal pool storage;
7. Documentation that the embankment and foundation will contain soils with sufficiently low permeability so as to minimize seepage (county soil surveys and maps indicating the location of the dam and borrow areas may be adequate);
8. A maintenance plan which will be applicable to the structure(s) that includes an annual review of the downstream areas for changes in land use and an indication of the pool elevations;
9. A statement by the owner indicating agreement to modify the structure in accordance with the "Rules for Construction and Maintenance of Dams" if the hazard classification of the dam changes;
10. Documentation of the ownership of, or the right to flood, the property below the elevation of the 100-year frequency flood pool elevation or the pool elevation used to assess the freeboard criteria;
11. For existing dams, a statement by the owner indicating agreement to remove all trees from the embankment as the opportunity to do so occurs;
12. A statement by the owner indicating agreement to prohibit the growth of new trees, and to appropriately vegetate the embankment to protect it from erosion; and
13. A statement by the owner granting the State the right of access to inspect the dam site and immediate vicinity before, during and after construction and for the life of the dam and appurtenances.

GENERAL CONDITIONS OF THE GENERAL PERMIT

1. This permit is granted in accordance with Rivers, Lakes and Streams Act, 615 ILCS 5 (1996 State Bar Edition) and does not preclude review of the project under other rules of the Department of Natural Resources, Office of Water Resources. This permit is not effective for any specific project until written confirmation of compliance for the project from IDNR/OWR is received.

2. The owner, and assigns, agree(s) to modify the dam in accordance with the "Rules for Construction and Maintenance of Dams" if the hazard classification of the dam changes.
3. This permit does not convey title to any permittee or recognize title of any permittee to any submerged or other lands, and furthermore, does not convey, lease or provide any right or rights of occupancy or use of the public or private property on which the project or any part thereof will be located, or otherwise grant to any permittee any right or interest in or to the property, whether the property is owned or possessed by the State of Illinois or by any private or public party or parties.
4. This permit does not release any permittee from liability for damage to persons or property resulting from the work covered by this permit, and does not authorize any injury to private property or invasion of private rights.
5. This permit does not relieve any permittee of the responsibility to obtain other federal, state or local authorizations required for the construction of the permitted activity; and if the permittee is required by law to obtain approval from any federal, state or local agency to do the work, the authorization is not effective until the required approvals are obtained.
6. In issuing this permit, the Department of Natural Resources does not approve the adequacy of the design or structural strength of any structure or improvement authorized by this permit.
7. This General Permit shall remain in effect until such time as it is modified, suspended, or revoked by the Department of Natural Resources.

This General Permit was issued on October 2, 1998.

APPROVED:

Brent Manning, Director
Department of Natural Resources

EXAMINED AND RECOMMENDED:

Martin J. Stralow, Manager
Division of Water Resource Management

APPROVAL RECOMMENDED:

Donald R. Vonnahme, Director
Office of Water Resources